

REMARKS

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1-27 were pending prior to the Office Action and remain pending. Claims 1, 6, 7, 11, 12, 13, 16, 17, 21, 22, 23, and 27 have been amended through this Reply. Claims 1, 6, 7, 12, 13, 16, 17, 22, 23, and 27 are independent.

The Office Action rejects claims 6 and 16 under 35 U.S.C. § 103(a) as allegedly unpatentable over Takahashi (JP 1998-107737) in view of Ozawa et al. (JP 1997-224069); rejects claims 1, 4, 8, 12, 13, 17, 18, and 22-27 under § 103(a) as allegedly unpatentable over Ozawa in view of Ikeda et al. (US 2005/0083885); rejects claims 2, 3, and 14 under § 103(a) as allegedly unpatentable over Ozawa in view of Ikeda, and further in view of Krishnamurthy et al. (US 7,363,534); rejects claims 5 and 15 under § 103(a) as allegedly unpatentable over Ozawa in view of Ikeda, and further in view of Pettus et al. (US 5,515,508); rejects claim 7 under § 103(a) as allegedly unpatentable over Ozawa in view of Ikeda, and further in view of Elzer (US 2003/0169744) and Ichimi (US 6,865,687); rejects claim 9 under § 103(a) as allegedly unpatentable over Ozawa in view of Ikeda, and further in view of Salokannel et al. (US 2005/0014468); rejects claim 10 under § 103(a) as allegedly unpatentable over Ozawa in view of Ikeda, and further in view of Chen et al. (US 2003/0107651); and rejects claims 11 and 19-21 under § 103(a) as allegedly unpatentable over Ozawa in view of Ikeda, and further in view of Tada et al. (US 2004/0081436).

Applicants respectfully traverse these rejections. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Claim Rejections - 35 U.S.C. § 101

Claims 11 and 21 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claims 11 and 21 have been amended to recite a “non-transitory computer readable medium” as suggested in the Office Action. Applicants respectfully request that the § 101 rejection of claims 11 and 21 be withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

The Office Action rejects independent claims 6 and 16 under § 103 as allegedly unpatentable over Takahashi in view of Ozawa; rejects independent claims 1, 12, 13, 17, 22, 23,

and 27 under § 103 as allegedly unpatentable over Ozawa in view of Ikeda; and rejects independent claim 7 under § 103 as allegedly unpatentable over Ozawa in view of Ikeda and further in view of Elzur and Ichimi.

Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and traverses the rejection. For a rejection under 35 U.S.C. § 103 to be proper, a *prima facie* case of obviousness must be established (*see, e.g.*, MPEP § 2142). One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations (*see, e.g.*, MPEP § 706.02(j); MPEP § 2142). Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In the Response to Arguments section on pages 2-3 of the Office Action, the Examiner asserts that he is interpreting the single disconnection request of claims 6 and 16 such that “the single request can still be applied to only two contiguously adjacent layers (IrLMP and IrLAP) while excluding any layer that does not require command and data because there is no layer that does not require the command and the data; in other words, the IrLMP layer and the IrLAP layer require command and data in order to disconnect each other” (Office Action, page 2).

Also, the Examiner asserts that he is interpreting the single connection request of claims 1, 7, 11, 12, 13, 17, 22, and 23 such that

“the single request can still be applied to only two contiguously adjacent layers (L3 and L2) while excluding any layer that does not require command and data because there is no layer that does not require the command and the data; in other words, the L3 layer and the L2 layer require command and data in order to connect to each other” (Office Action, page 2).

Finally, the Examiner recommends that Applicants amend the claims to specify “at least three layers” of contiguously adjacent layers in order to overcome the Examiner’s interpretation of these features (see Office Action, page 3).

Through this Reply, Applicants have amended independent claim 1 to recite, *inter alia*, the feature of “the single connection request containing the command and the data required for connection with the receiver for each of at least three of the contiguously adjacent layers except

for communication layers which do not require transmission of the command and the data required for connection with the receiver.” Claims 7, 12, and 27 have been comparably amended; and claims 13, 17, and 22 have been amended similarly with respect to the receiver.

Furthermore, Applicants have amended independent claim 6 to recite, *inter alia*, the feature of “*the single disconnection request containing the command and the data which are required for disconnection from the receiver for each of at least three of the contiguously adjacent layers except for communication layers which do not require transmission of the command and the data required for disconnection from the receiver.*” Claim 16 has been amended similarly with respect to the receiver.

Through the Amendment, Applicants have further clarified that the “command and data” as recited in the claims refers to command and data required for connection with/disconnection from the receiver in the context of the claimed invention. This amendment is to avoid any misunderstanding regarding the feature of “*communication layers which do not require transmission of the command and the data,*” which is meant to convey that the command and the data are not required between the transmitter and the receiver.

Based on the foregoing, Applicants respectfully submit that the claims as amended overcome the Examiner’s interpretations of the claims as discussed in his Response to Arguments. Therefore, it is submitted that the asserted prior art fails to teach or suggest each and every limitation of the independent claims. Accordingly, Applicants submit that independent claims 1, 6, 7, 12, 13, 16, 17, 22, 23, and 27, and likewise the claims dependent thereon, are patentable over the prior art and respectfully request that the rejection of said claims under § 103(a) be withdrawn.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

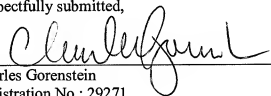
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders (Reg. No. 60,166) at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: January 27, 2011

Respectfully submitted,

By


Charles Gorenstein

Registration No.: 29271

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, VA 22040-0747

703-205-8000